

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

DAVID WARD JONES and JESSICA
FAYE JONES, husband and wife; LENA
ABIGAIL JONES, a single person.

Plaintiffs.

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
corporation doing business in Washington

Defendant.

NO.

**NOTICE OF REMOVAL OF CIVIL
ACTION PURSUANT TO
28 U.S.C. § 1441**

TO: CLERK OF THE COURT

AND TO: DAVID WARD JONES, JESSICA FAYE JONES, AND LENA ABIGAIL JONES, PLAINTIFFS

AND TO: SARA MALEKI AND JANELLE CARNEY, ATTORNEYS FOR
PLAINTIFFS

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, defendant State Farm Mutual Automobile Insurance Company hereby removes the Pierce County Superior Court action described below to the United States District Court for the Western District of Washington at Tacoma. In support thereof, defendant states as follows:

**NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441 – 1**

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REED MCCLURE
ATTORNEYS AT LAW
FINANCIAL CENTER
1215 FOURTH AVENUE, SUITE 1700
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(206) 292-4900 • FAX (206) 223-0152

1 1. On October 26, 2015, counsel for David Ward Jones, Jessica Faye Jones, and
 2 Lena Abigail Jones provided to defendant by facsimile a “Complaint For Breach of Contract,
 3 Violation of Consumer Protection Act, Bad Faith, Negligence, and for Damages under the
 4 Insurance Fair Conduct Act (RCW 48.30)”. The complaint was filed in Pierce County Superior
 5 Court, cause no. 15-2-13436-7, on November 2, 2015. A copy of the complaint is submitted as
 6 an exhibit with this Notice of Removal.

7 2. The action is one in which the United States District Court is given original
 8 jurisdiction by reason of complete diversity of citizenship and the requisite amount in
 9 controversy pursuant to Title 28 U.S.C. § 1332.

10 3. Venue is proper in the United States District Court for the Western District of
 11 Washington, in that defendant does business in Pierce County, Washington, and defendant is
 12 subject to personal jurisdiction there. (Complaint, ¶ 2.8). 28 U.S.C. § 1391.

13 4. The suit is between plaintiffs David Ward Jones, Jessica Faye Jones, and Lena
 14 Abigail Jones, residents of Hermiston, Oregon, and defendant State Farm Mutual Automobile
 15 Insurance Company, an Illinois corporation with its principal place of business in Illinois. (See
 16 Complaint, ¶¶ 1.1, 2.3).

17 5. Defendant has a good-faith belief that the amount in controversy exceeds
 18 \$75,000 exclusive of interest and costs. Plaintiffs claim they were injured in an automobile
 19 accident on February 8, 2014, and seek underinsured motorist coverage benefits under an
 20 automobile insurance policy issued by defendant to plaintiff David Jones. (Complaint, ¶¶ 3.3,
 21 3.5). The underinsured motorist coverage limit is \$50,000 per person, \$100,000 per accident,
 22 under plaintiff David Jones’ policy. (Id., ¶ 3.9) Plaintiffs allege they incurred “past combined
 23 special damages” totaling \$151,131.58. (Id., ¶ 3.4) The three plaintiffs jointly seek recovery of
 24 the \$100,000 per accident coverage limit. (Id., ¶ 4.3) Prior to the filing of suit, plaintiffs made a
 25 joint settlement demand for the “global UIM policy limits of \$100,000”, asserting that plaintiff

NOTICE OF REMOVAL OF CIVIL ACTION
 PURSUANT TO 28 U.S.C. § 1441 – 2

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1 Jessica Jones' injury claim totals \$362,849.05; plaintiff Lena Jones' injury claim totals
2 \$363,523.11; and plaintiff David Jones' injury claim totals \$127,863.13. Further, plaintiffs
3 seek to have their damages trebled under the Washington Insurance Fair Conduct Act, RCW
4 48.30.015. (Id., ¶ 4.5)

5 6. Removal to federal court is appropriate in any civil action brought in state court
6 over which the federal district court has original jurisdiction. 28 U.S.C. § 1441.

7 7. As of the date of the filing of this Notice of Removal of Civil Action, 30 days or
8 less have elapsed from the time this matter first became removable. Defendant first received a
9 copy of the complaint on October 26, 2015.

10 8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Civil
11 Action is being served upon plaintiffs' attorneys and a copy will be filed with the Clerk of the
12 Superior Court of the State of Washington for Pierce County.

13 9. By filing this Notice of Removal, defendant does not waive, and instead
14 expressly reserves, all rights, defenses or objections of any nature that it may have with respect
15 to plaintiffs' claims. 

16 DATED this 11 day of November, 2015.

REED McCLURE

By

Michael S. Rogers, WSBA #16423
Attorney for Defendant
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NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441 – 3

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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Sara Maleki
Janelle Carney
Graham Lundberg Peschel, PS, Inc.
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601 West Main Avenue
Spokane WA 99201
smaleki@glpattorneys.com
jcarney@glpattorneys.com

Attorney for Plaintiff

And I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

N/A

DATED November 12, 2015, at Seattle, Washington.

Katherine McBride
Katherine McBride

CERTIFICATE OF SERVICE - 4

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